

## Assembly Bill No. 404

### CHAPTER 485

An act relating to taxation.

[Approved by Governor September 27, 1999. Filed  
with Secretary of State September 27, 1999.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 404, Kuehl. Estate taxes: satisfaction.

Existing law requires the Controller to examine and settle the accounts of all persons indebted to the State of California and to direct and superintend the collection of all money due the state.

This bill would direct the Department of General Services to accept a deed on behalf of the Controller's office in lieu of foreclosure for the 160 acres of specified real property located in the County of Los Angeles and in lieu of the estate taxes and interest due as a result of the default in payments for the purchase of the property by the Mountains Recreation and Conservation Authority on March 26, 1996.

The bill would also authorize the Department of Parks and Recreation to exchange or sell the real property, as specified.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares that on or about February 23, 1995, the Controller's office accepted an assignment of a note secured by a deed of trust on 160 acres of real property located in Malibu, California, as security for estate taxes and interest on the estate of Frank Capra. The property had been purchased from the Capra estate by the Mountains Recreation and Conservation Authority. The Mountains Recreation and Conservation Authority defaulted on its payments to the Controller on March 26, 1996.

On behalf of the Controller's office, the Department of General Services is hereby directed to accept a deed in lieu of foreclosure for the 160 acres of real property described as follows:

Parcel 1. The northwest quarter of the southwest quarter of Section 14, Township 1 South, Range 19 West, San Bernardino meridian, in the County of Los Angeles, State of California, according to the official plat thereof.

Parcel 2. The east half of the southeast quarter of Section 15, Township 1 South, Range 19 West, San Bernardino meridian, in the County of Los Angeles, State of California, according to the official plat thereof.

Parcel 3. The southeast quarter of the northeast quarter of Section 15, Township 1 South, Range 19 West, San Bernardino meridian, in the County of Los Angeles, State of California, according to the official plat thereof.

The Controller shall determine whether acceptance of the deed will fully satisfy the estate taxes and interest due on the Capra estate. If the Controller makes this determination, then the Department of General Services shall accept the deed on behalf of the Controller in full satisfaction of the estate taxes and interest due on the Capra estate. If the Controller determines that acceptance of the deed will not fully satisfy the amount of taxes and interest owed on the Capra estate, then the Legislature finds and declares that acceptance of the deed serves a public purpose because it will allow the completion of the Backbone Trail of the Santa Monica Mountains, and the Department of General Services may accept the deed on behalf of the Controller in lieu of any estate taxes and interest due on the Capra estate. The property shall be transferred to the Department of Parks and Recreation. The Department of General Services shall pay the administrative and staff costs it incurs as a result of the acquisition and transfer of the estate. All other costs associated with the acquisition of the estate shall be paid by the Department of Parks and Recreation.

Notwithstanding any other provision of law, the Department of Parks and Recreation may do either of the following:

(a) Exchange the real property for property of equal or greater fair market value and recreational utility.

(b) In the event that an exchange is not accomplished within one year of the effective date of this act, the department may sell the real property and deposit the proceeds from the sale, less any actual costs associated with the sale, in the State Parks and Recreation Fund for appropriation by the Legislature.

The department shall not convey any land or lands pursuant to this section unless the conveyance includes appropriate deed restrictions that require that the land or lands be retained for public recreation or resource protection purposes, or both, and provide for the completion of the Backbone Trail in the Santa Monica Mountains.

